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Counsel for Defendant Eunson Global Corp.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

HYDRAFACIAL LLC, formerly known as
EDGE SYSTEMS LLC,

Plaintiff,

v.

LUVO MEDICAL TECHNOLOGIES, INC.,
CLARION MEDICAL TECHNOLOGIES,
INC., EUNSUNG GLOBAL CORP., and
HEALTHCARE MARKETS, INC. doing
business as POWERED BY MRP,

Defendants.

**DEFENDANT'S OPPOSITION TO
PLAINTIFF'S SHORT-FORM
MOTION TO COMPEL**

Case No. 2:24-cv-00587-TC-JCB

Judge: Hon. Tena Campbell
Magistrate Judge: Hon. Jared C. Bennett

**DEFENDANT’S OPPOSITION TO
PLAINTIFF’S SHORT-FORM MOTION TO COMPEL**

Defendant Eunsung Global Corp. (“Eunsung”) submits this response in opposition to Plaintiff HydraFacial LLC’s (“Plaintiff”) Short-Form Motion to Compel (“SFMC”). The Court should deny the motion and should award Eunsung its attorney’s fees for having to respond to it because Plaintiff failed to engage in reasonable meet and confer discussions with Eunsung before filing the motion as required under DUCivR 37-1,¹ and refused to withdraw the motion despite two requests from Eunsung that it do so and participate in the meet and confer call that is scheduled for July 22, 2025 at 4:00 p.m. MT to attempt to narrow or resolve the issues before seeking the Court’s involvement. Critically, Plaintiff filed its SFMC *after* Eunsung informed Plaintiff that it was available to meet and confer on July 22, 2025. An award of fees to Eunsung is an appropriate sanction under Fed R. Civ. P. 37(a)(5)(B) to curtail Plaintiff’s unreasonable behavior and remind it of its obligation to comply with the local rules.

Plaintiff first raised the issues set forth in its SFMC in a letter it sent to Eunsung at the end of the day on Wednesday, July 9, 2025, which raised numerous issues requiring factual investigation and client input from Eunsung to respond to. Just three business days later, on July 14, Plaintiff’s counsel threatened to file a motion to compel unless Eunsung responded by the following day. On that same day, Eunsung’s counsel responded that it was actively reviewing the issues raised in Plaintiff’s letter with its client, who is located in a foreign country

¹ Plaintiff also failed to comply with the requirement under DUCivR 37-1(b) to state in its SFMC “the date, time, and method of the reasonable efforts” it made to meet and confer with Eunsung prior to filing the motion. It was unable to provide these details because it had not made reasonable efforts.

and in a different time zone, and that it was preparing a letter to respond to Plaintiff and would meet and confer with Plaintiff after Plaintiff reviewed the response letter. On July 17 at 2:56 p.m., Eunsung's counsel proposed to meet and confer with Plaintiff on either July 22 or July 23. Plaintiff responded at 3:01 p.m. that it would "review your email below and be in touch," Ex. 5, yet just two hours later, and without engaging further or responding to the proposed meet and confer dates, Plaintiff filed its SFMC at 5:07 p.m. Dkt. 74. Eunsung emailed Plaintiff on July 28, 2025 and again on July 21, 2025 to request that it withdraw the SFMC and participate in the meet and confer call scheduled for 4:00 p.m. on July 22, but Plaintiff has refused to withdraw the motion. Eunsung can supply copies of the email correspondence with Plaintiff if requested, but has not attached them here because DUCivR 37-1(b)(3) states that a response must not include any additional exhibits.

Dated: July 22, 2025

Respectfully submitted,

By: /s/ Brent O. Hatch

Hatch Law Group, PC

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